

CLEAN WATER ACT2-78. Determine the Treatment of Indian Tribes as States

1. **AUTHORITY.** To approve amendments to the initial determination, or to approve any subsequent final determination, as to whether an Indian tribe shall be treated as a state for the purposes of programs under Title II and Sections 104, 106, 303, 305, 308, 309, 314, 319, 401, 402, and 404 of the Clean Water Act, in accordance with Section 518 of the Clean Water Act, as amended. A separate determination must be made for each CWA program.
2. **TO WHOM DELEGATED.** Director, Water Division.
3. **LIMITATIONS.**
  - a. The authority to approve all initial determinations is retained by the regional administrator per national Delegation 2-78.
  - b. Any subsequent final determinations, including approval of amendments to initial determinations, in a program must be made with the concurrence of the regional counsel or designee.
4. **REDELEGATION AUTHORITY.**
  - a. This authority may not be redelegated.
  - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
  - a. CWA § 518.
  - b. 2 C.F.R. Parts 200 and 1500; 40 C.F.R. Parts 35, 122-125, 129-131, 133, 135, and 230-233.



Debra H. Thomas  
Acting Regional Administrator

APR 29 2019

Date